

1725



Attorney Docket: VT-2346

PATENT #6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 09/989,941

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST-CLASS mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C.
20231 on July 24, 2002

Filing Date: 11/21/2001

Applicant: Gross et al.

Group Art Unit: 1725

Examiner: To be assigned

Title: BATTERY APPARATUS AND
METHOD OF FORMING A BATTERY APPARATUS


Michael Ross
Registration No. 45,057
Attorney for Applicant

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Assistant Commissioner of Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §§1.56, 1.97(c) and 1.98, Applicant herewith submits an Information Disclosure Statement for consideration by the Examiner.

1. LIST OF PATENTS, PUBLICATION AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications, if any) are as set forth in the attached form PTO-1449.

2. COPIES

Submitted herewith is a legible copy of (i) each U.S. Patent Application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawings of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

- Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

- This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

3. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).
- A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

See the attached foreign search report.

English translations are provided for:

Other: English Abstracts Provided For: JP 01084570 A1; JP 60211763
A1 JP 57136759 A1; JP 56145655 A1

The following additional information is provided for the Examiner's consideration.

4. CROSS REFERENCE TO RELATED APPLICATION(S)

- The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

5. THIS IDS IS BEING FILED UNDER

X 37 C.F.R. § 1.97(b): (check only one box)

- Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d) (37 C.F.R. §1.97(B)(1)). No fee or certification is required.
- Within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or certification is required.
- Before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(B)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. §1.97(c) and see the certification under 37 C.F.R. §1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. §1.17(p).
- Before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No fee or certification is required.

 37 C.F.R. §1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution.

 No certification: therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

 See the certification below. No fee is required.

 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

 See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

6. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

- each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)).
- no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

7. PAYMENT OF FEES (check only one box)

- A check in the amount of \$180.00 is enclosed for the above-identified fee.
- Please charge Deposit Account No. 22-0100 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requester to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 22-0100.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 22-0100.

Should anything further be required, the Examiner is respectfully requested to telephone the undersigned at 702-558-1000 (x1071).

Respectfully submitted,

Dated: July 24, 2002
VALENCE TECHNOLOGY, INC.
301 Conestoga Way
Henderson, Nevada 89012
Telephone: 702-558-1000
Facsimile: 702-558-1310

By:



Michael Ross
Reg. No. 45,057

Form PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. VT-2346	SERIAL NO. 09/989,941
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT Gross et al.		
AUG 06 2002 U.S. PATENT DOCUMENTS Sheet 1 of 1		FILING DATE 11/21/2001	GROUP 1725	

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REF. NO.	DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	LOCATION WHERE RELEVANT PASSAGES OR FIGURES APPEAR
	1	US 6,145,280 B1	11/14/2000	Daroux et al.	<i>RECEIVED</i>
	2	US 6,117,589 B1	09/12/2000	Satou et al.	<i>AUG - 9 2002</i>
	3	US 6,063,519 B1	05/16/2000	Barker et al.	<i>TU 1700</i>
	4	US 6,042,966 B1	03/25/2000	Cheu	
	5	US 5,587,253 B1	12/24/1996	Gozdz et al.	
	6	US 5,460,904 B1	10/24/1995	Gozdz et al.	
	7	US 5,445,856 B1	08/29/1995	Chaloner-Gill	
	8	US 5,326,652 B1	07/05/1994	Lake	
	9	US 4,997,732 B1	03/05/1991	Austin et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	REF. NO.	DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	LOCATION WHERE RELEVANT PASSAGES OR FIGURES APPEAR	T
	1	EP 1 096 589 A1	02/05/2001	Hanafusa et al.		
	2	JP 01084570 A1	03/29/1989	Koichi et al.		
	3	JP 60211763 A1	10/24/1985	Tatsu et al.		
	4	JP 57136759 A1	08/23/1982	Seiichi et al.		
	5	JP 56145655 A1	11/12/1981	Keigo et al.		
	6	WO 97/08762 A1	03/06/1997	Moulton et al.		

OTHER DOCUMENTS (*Including Author, Title, Date, Pertinent Pages, Etc.*)

EXAMINER INITIALS	REF. NO.	
	1	International Search Report, Int'l Application No. PCT/US01/43436
EXAMINER		DATE CONSIDERED
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; conformance and not considered. Include copy of this form with next communication to applicant.</p>		